

EXHIBIT C: HTC's Proposed Constructions and Identification of Evidence

U.S. Patent 5,802,467 Terms for Construction	Asserted Claims in Which Term Appears	Defendant's Proposed Construction	Intrinsic Evidence
"communications, command, control and sensing system"	Claims 1-7, 10, 14, 17, 23, 26-32, 34	This claim term is part of the preamble which is a substantive limitation. Otherwise, this claim term should be given its plain and ordinary meaning.	1:7-13; 2:11-27; 2:66-3:2; 6:3-9; 6:31-38; 25:57-67; 26:13-17; 26:18-23; 26:32-34; 27:6-17; 27:30-32; 27:36-38; 27:45-46; 28:1-3; 28:56-58; 30:4-14; 30:30-33.
"A communications, command, control and sensing system for communicating with a plurality of external devices"	Claims 1-7, 27-30, 34	This claim term is the preamble which is a substantive limitation. Otherwise, this claim term should be given its plain and ordinary meaning.	1:7-13; 2:11-27; 2:66-3:2; 6:3-9; 6:31-38; 25:57-67; 26:13-16; 26:18-23; 26:32-34; 30:4-14; 30:30-33.
"A handset and a base station employed in a communications, command, control and sensing system for communicating with a plurality of external devices"	Claims 10, 14, 17, 23, 26, 31, 32,	This claim term is the preamble which is a substantive limitation. Otherwise, this claim term should be given its plain and ordinary meaning.	1:7-13; 2:11-27; 2:66-3:2; 6:3-9; 6:31-38; 27:6-17; 27:30-32; 27:36-38; 27:45-46; 28:1-3; 28:56-58.
"command code set that defines the signals that are employed to communicate with each one of said external devices"	Claims 1-7, 10, 14, 17, 23, 26-32, 34	A set of signals that constitute the universe of signals needed to perform all of the specific functions in each remotely controlled device	7:14-8:65; 9:22-10:5; 10:22-11:53; 11:65-12:5; 12:21-64; 13:10-31; 15:37-63; 16:24-17:36; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner's reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).

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"communication protocols"	Claims 1-7, 10, 14, 17, 23, 26-32, 34	Sets of rules that allow for two or more devices to communicate wirelessly with one another using a command code set to produce an action in a remotely controlled external device	Fig. 3; Fig. 5; 7:13-54; 19:52-20:11; 21:28-42; 22:52-23:5; 24:15-37; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner's reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).
"parameter sets"	Claims 1-7, 10, 14, 17, 23, 26-32, 34	A set of predefined encoded data stored in the memory device that the microprocessor retrieves and uses to recreate a command code set	Fig. 6; 8:22-17:28; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner's reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).
"a microprocessor for generating a plurality of control signals used to operate said system"	Claims 1-7, 10, 14, 17, 23, 26-32, 34	A microprocessor configured to create multiple control signals used to operate the communications, command, control and sensing system	Fig. 2; Fig. 3; Fig. 4; Fig. 5; 3:15-32; 6:10-23; 6:52-8:30; 19:52-20:11; 21:28-42; 22:36-58; 23:47-24:51; 25:61-67; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner's reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).

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“said microprocessor creating a plurality of reprogrammable communication protocols ... wherein each communication protocol includes a command code set that defines the signals that are employed to communicate with each one of said external devices”	Claims 1-7, 27-30, 34	<p>This limitation is invalid as indefinite in violation of <i>IPXL Holdings</i> and its progeny.</p> <p>Subject to and without waiver of the foregoing, HTC offers the following alternative construction:</p> <p>The microprocessor in operation recreates from parameter sets stored in the memory device all of the command code sets for the plurality of external devices</p>	<p>Fig. 1; Fig. 2; Fig 3; Fig. 5; Fig. 6; 3:15-32; 6:2-23; 7:13-17:36; 22:35-51; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner’s reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).</p>
“said microprocessor creating a plurality of communication protocols...wherein each communication protocol includes a command code set that defines the signals that are employed to communicate with each one of said external devices”	Claims 10, 14, 17, 23, 26, 31, 32	<p>This limitation is invalid as indefinite in violation of <i>IPXL Holdings</i> and its progeny.</p> <p>Subject to and without waiver of the foregoing, HTC offers the following alternative construction:</p> <p>The microprocessor in operation recreates from parameter sets stored in the memory device all of the command code sets for the plurality of external devices.</p>	<p>Fig. 1; Fig. 2; Fig 3; Fig. 5; Fig. 6; 3:15-32; 6:2-23; 7:13-17:36; 22:35-51; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner’s reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).</p>

U.S. Patent 5,802,467 Terms for Construction	Asserted Claims in Which Term Appears	Defendant's Proposed Construction	Intrinsic Evidence
<p>“a memory device coupled to said microprocessor configured to store a plurality of parameter sets retrieved by said microprocessor so as to recreate a desired command code set, such that the memory space required to store said parameters is smaller than the memory space required to store said command code sets”</p>	<p>Claims 1-7, 10, 14, 17, 23, 26-32</p>	<p>This limitation recites functionality not present in a “memory device,” thus mandating construction under 112(f).</p> <p>The function is: “storing a plurality of parameter sets retrieved by said microprocessor so as to recreate a desired command code set, such that the memory space required to store said parameters is smaller than the memory space required to store said command code sets”</p> <p>No corresponding structure is disclosed in the specification for this function, so the claims are indefinite.</p> <p>In the alternative, if this term is not construed under 112(f), the term should be construed as “a memory device configured to store a plurality of parameter sets that are used to recreate signals corresponding to any desired command code set, where the parameter sets are stored in the memory device in less memory than would be required to store the corresponding command code sets”</p>	<p>If the limitation is not construed under 112(f): Fig. 2; Fig. 4; Fig. 6; 7:34-17:37; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner’s reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).</p>

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<p>“a memory device coupled to said microprocessor configured to store a plurality of parameter sets retrieved by said microprocessor so as to recreate based on said parameter sets a desired set of pulse signals corresponding to logical “1’s” and “0’s” as specified by a command code set”</p>	<p>Claim 34</p>	<p>This limitation recites functionality not present in a “memory device,” thus mandating construction under 112(f).</p> <p>The function is: “storing a plurality of parameter sets retrieved by said microprocessor so as to recreate based on said parameter sets a desired set of pulse signals corresponding to logical “1’s” and “0’s” as specified by a command code set”</p> <p>No corresponding structure is disclosed in the specification for this function, so the claim is indefinite.</p> <p>In the alternative, if this term is not construed under 112(f), the term should be construed as “a memory device configured to store a plurality of parameter sets that are used to recreate signals corresponding to logical “1’s” and “0’s” as predefined for a specific command code set”</p>	<p>If the limitation is not construed under 112(f): Fig. 2; Fig. 4; Fig. 6; 7:34-17:37; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner’s reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).</p>

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<p>“a selector controlled by said microprocessor for enabling said radio frequency transceiver and said infra-red frequency transceiver to transmit a desired command code set generated by said microprocessor via either radio frequency signals and infra-red signals as desired, and to receive a signal from any one of said external devices via either radio frequency signals and infra-red signals”</p>	<p>Claims 2-5, 10, 14, 17, 23, 26, 31, 32</p>	<p>“Selector” is a nonce word that does not connote sufficiently definite structure in the context of the functionality recited in this limitation, thus mandating construction under 112(f).</p> <p>The function is “enabling said radio frequency transceiver and said infra-red frequency transceiver to transmit a desired command code set generated by said microprocessor via either radio frequency signals and infra-red signals as desired, and to receive a signal from any one of said external devices via either radio frequency signals and infra-red signals”</p> <p>No corresponding structure is disclosed in the specification for this function, so the claims are indefinite.</p> <p>In the alternative, if this term is not construed under 112(f), the term should be construed as “A device that transmits a command code set generated by a microprocessor to an external device via either radio frequency or infra-red frequency signals as selected by a user, and receives signals from external devices via both radio frequency and infra-red”</p>	<p>If the limitation is not construed under 112(f): Fig. 2; Fig. 4; Fig. 6; 7:34-17:37; 20:2-22; Prosecution History (Office Action dated May 1, 1997; Amendment dated October 31, 1997; Notice of Allowability – examiner’s reasons for allowance; Krisbergh U.S. Patent 5,138,649; Amano U.S. Patent 4,999,622).</p>

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<p>“a data detector coupled to said selector for receiving signals transmitted from each one of said external devices, said data detector providing control signals received from said external devices to said microprocessor”</p>	<p>Claims 10, 14, 17, 23, 26, 31, 32</p>	<p>“Data detector” is a nonce word that does not connote sufficient structure in the context of the functionality recited in this limitation, thus mandating construction under 112(f).</p> <p>The function is “receiving signals transmitted from each one of said external devices, said data detector providing control signals received from said external devices to said microprocessor”</p> <p>No corresponding structure is disclosed in the specification for this function, so the claims are indefinite.</p> <p>In the alternative, if this term is not construed under 112(f), the term should be construed as “A device that receives a signal from an external device through a selector and transmits a control signal from the external device to a microprocessor”</p>	<p>If the limitation is not construed under 112(f): Fig. 3; Fig. 5; 3:61-4:18; 20:41-56; 23:23-47.</p>
<p>“base station”</p>	<p>Claims 10, 14, 17, 23, 26, 31, 32</p>	<p>A device separate from a handheld device that transmits signals to and receives signals from a handheld device and that is powered by an alternating current source and a backup battery pack</p>	<p>Fig 1a; Fig. 1b; Fig. 2; Fig. 3; Fig. 4; Fig. 5; Fig. 7; 1:7-13; 1:55-2:2; 2:11-26; 2:47-67; 3:1-41; 4:34-43; 5:10-14; 6:1-19; 6:31-38; 6:43-53; 7:34-8:21; 9:7-17:36; 18:24-19:51; 20:22-40; 22:35-25:37; 27:5-9; 27:61-67; 28:1-3.</p>

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"handset"	Claims 10, 14, 17, 23, 26, 31, 32	A handheld device that can transmit signals to and receive signals from a base station and also can transmit signals to and receive signals from external devices	Fig 1a; Fig. 1b; Fig. 2; Fig. 3; Fig. 4; Fig. 5; Fig. 7; 1:8-13; 1:55-2:2; 2:11-26; 2:47-67; 3:1-41; 4:34-43; 5:10-14; 6:1-19; 6:31-38; 6:43-53; 7:34-8:21; 9:7-17:36; 18:24-19:51; 20:22-40; 22:35-25:37; 27:5-9; 27:61-67; 28:1-3.
"backup battery power source"	Claim 14	A battery that serves as a substitute or support for a primary power source in a base station	25:32-38; 28:1-3.
"a plurality of home entertainment systems"	Claim 26	Two or more home entertainment systems that are part of the wireless communications command, control and sensing system	21:7-26; 23:66-24:14; 29:25-28.
"external devices"	Claims 1-7, 10, 14, 17, 23, 26-32, 34	A device separate from a handset or base station that is remotely controlled by the handset or base station via a command code set	Fig. 1b; 2:11-26; 4:61-5:9; 6:39-51; 7:14-25; 7:34-8:54; 20:57-67; 21:7-42.